

**U.S. Department of the Interior
Bureau of Land Management**

**Categorical Exclusion/Needs Assessment Form
Bureau of Land Management Winnemucca District Office**

BLM

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management
Winnemucca, Nevada



Categorical Exclusion/Needs

Assessment Form

Bureau of Land Management

Winnemucca District Office

Table of Contents

1. Preliminary Information	1
2. Information Review	3
2.1. Part I: Plan Conformance Review	4
2.2. Part II: NEPA Review	4
2.3. ESA and BLM Sensitive Status Species	4
2.4. Part III: Decision	7
2.5. Maps	9
3. Extraordinary Circumstances Review	11
4. Team Review	15

Chapter 1. Preliminary Information

(BRFO-W030)

This page intentionally
left blank

CX#: DOI-BLM-NV-W030-2016-0001-CX

Date: 10/2/2015

Lease / Case File / Serial #: N-46959

Regulatory Authority (CFR or Law): 2800

BLM Manual: 2800

Subject Function Code: 2870

Preliminary questions to be answered:

Question:	Yes	No
Is the project located within a Preliminary Priority Habitat?		X
Is the project located within a Preliminary General Priority Habitat?		X
Is the project located within a National Landscape Conservation System feature (NCA, Wilderness, WSA, ISA, Scenic or Historic Trails)		X

1. BLM District Office: Winnemucca District Office
2. Name of Project Lead: Julie McKinnon
3. Project Title: Amend ROW to increase pipe diameter and bury the pipeline
4. Applicant: Hycroft Resources and Development
5. Project Description:

Hycroft Resources submitted an application to amend their existing right-of-way (ROW) N-46959, to increase the diameter of one of the pipelines from 14” to 26” and bury the pipeline as previously proposed in 2013.

Background: In 2013, Hycroft submitted an application to add an additional pipeline, 14”, and two new water wells within the existing authorized footprint. The 2013 amendment allowed the two new wells, within the 100’ x 100’ footprint and the new 14” pipeline would be buried and placed next to the existing 18” buried water pipeline within the 30’ wide authorized ROW. The new facilities would be used to pump and transport the amount of water necessary for Hycroft’s proposed increased mining operations. Along with the new wells, two new pump houses would also be constructed over the new wells. For additional information refer to CX document DOI-BLM-NV-W030-2013-0011-CX.

When the 14” pipeline was constructed in 2013-2014, it was actually built as a 26” pipeline and was not buried as originally proposed and approved. The pipeline currently is sitting on top of the ground. The application submitted is proposing to amend the diameter of the pipeline and proposing to bury the line as authorized. New surface disturbance would be created within a previously disturbed area. Cultural resources in the vicinity of the proposed project were previously identified. Marking and avoiding these areas will be captured in the terms and conditions of the amendment. No new temporary work areas are proposed, all construction activities would take place within the limits of the authorized ROW. Hycroft has permitted water rights for these wells.

This project has been reviewed and is outside of PHMA, GHMA and OHMA identified habitat.

Project dimension:

25,000 (l) x 30 (w) and two well sites 30' x 30' = 17.22

Total Acres: 17.22

BLM Acres: 17.22

Will the project result in new surface disturbance? Yes No

If yes, what percent of the project area has been disturbed? 100%

If only part of the project area has been disturbed, indicate disturbed area on map. Describe disturbance (and attach photo of disturbed area if you have one):

Legal Description:

T.35 N., R. 29E., Sec. 23, SWSE, sec. 26, N2NE, E2NW, SWNW, NWSW, sec. 27, N2S2, SWSW, sec. 28, S2S2, NESE, sec. 29, S2S2, sec. 30, SESE, sec. 31, N2NE, and sec. 32, NWNW.

USGS 24k Quad Name: Rabbithole NE

100k Map name: Eugene Mtns

Land Status: BLM Private Other: _____

Chapter 2. Information Review

2.1. Part I: Plan Conformance Review

The Proposed Action is subject to the:	
X	Winnemucca District Resource Management Plan
	Black Rock Desert-High Rock Canyon Emigrant Trails NCA and Associated Wilderness and Other Contiguous Lands in Nevada RMP

The proposed action is in conformance with the applicable Land Use Plan (LUP) because it is specifically provided for in the following LUP decision(s):

LR 6.1: Grant, issue, or renew ROWs over, upon, under, or through public lands.

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

2.2. Part II: NEPA Review

Categorical Exclusion Review: This Proposed Action qualifies as a categorical exclusion under:	
	43 CFR 46.210 DOI Implementation of NEPA of 1969, Listing of Departmental Categorical Exclusions (formerly 516 DM2 Appendix 1)
X	516 DM 11.9, (BLM) E. Realty: Amendments to existing rights-of-way, such as the upgrading of existing facilities, which entail no additional disturbances outside the right-of-way boundary.

2.3. ESA and BLM Sensitive Status Species

Evaluation Criteria	Yes	No
1. Are species listed under the Endangered Species Act likely to occur in the project area? If yes, list the species in Table 1 below. Verify with USFWS or use approved list.		X
2. Are BLM NV Sensitive Species, based upon the current IM, likely to occur in the project area? If yes, list the species in the Table 1 below.	X	
3. Could the proposed action result in “take” under the Migratory Bird Treaty Act? If yes, attach appropriate mitigation measures.	X	

Special Status Species that may occur in the project area

ESA	BLM	Common (Scientific) Name	May Be Affected?	Mitigation for BLM Sensitive Species (The following stipulation(s) is/are recommended to be applied to the authorization) (Attach ESA Section 7 Compliance to Form, if applicable)
	X	Burrowing owl (<i>Athene cunicularia</i>) loggerhead shrike (<i>Lanius ludovicianus</i>) Sage thrasher (<i>Oreoscoptes montanus</i>) vesper sparrow (<i>Pooecetes gramineus</i>)	<input type="checkbox"/> Yes <input type="checkbox"/> No	See mitigation for MBTA (Table 2)
	X	Sand Cholla (<i>Grusonia pulchella</i>)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Prior to any surface disturbing activities, a special status plant survey is required for the entire disturbance area. Timing of the survey will be dependent on the habitat type and the detectability of the target species. If a special status plant is located, a protective buffer will be delineated in consultation with the authorized officer.
			<input type="checkbox"/> Yes <input type="checkbox"/> No	

Migratory Bird Treaty Act Consideration

Potential MBTA Species w/in the Project Area Common (<i>Scientific</i>) Name	May Be Affected?	Recommended Mitigation (The following stipulation(s) is/are recommended to be applied to the authorization)
black-throated sparrow (<i>Amphispiza bilineata</i>), Brewer’s blackbird (<i>Euphagus cyanocephalus</i>), Brewer’s sparrow (<i>Spizella breweri</i>), burrowing owl (<i>Athene cunicularia</i>), canyon wren (<i>Catherpes mexicanus</i>), gray flycatcher (<i>Empidonax wrightii</i>), green-tailed towhee (<i>Pipilo chlorurus</i>), loggerhead shrike (<i>Lanius ludovicianus</i>), rock wren (<i>Salpinctes obsoletus</i>), sage sparrow (<i>Amphispiza belli</i>), sage thrasher (<i>Oreoscoptes montanus</i>), western meadowlark (<i>Sturnella neglecta</i>), and vesper sparrow (<i>Pooecetes gramineus</i>)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Surface disturbance associated with the proposed action would be conducted outside of the migratory bird breeding season (March 1 – August 31). When surface disturbance must be created during the migratory bird breeding season, a nest survey shall be conducted by a qualified biologist within potential breeding habitat prior to any surface disturbance proposed during the avian breeding season (March 1st through August 31st). Surveys must be conducted no more than 10 days and no less than 3 days prior to initiation of disturbance. Surveys must follow established BLM standards and protocols, and should be approved by the BLM biologist prior to being implemented. If active nests are located, the BLM biologist must be notified immediately and appropriate protection measures which may include avoidance or restriction of activities will be established. If no active nests are present in the area surveyed, implementation of the project should commence within 10 days of survey completion.
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Mitigation Measures/Remarks (The following stipulation(s) is/are recommended to be applied to the authorization):

Prior to any surface disturbing activities, a special status plant survey is required for the entire disturbance area. Timing of the survey will be dependent on the habitat type and the detectability of the target species. If a special status plant is located, a protective buffer will be delineated in consultation with the authorized officer.

Surface disturbance associated with the proposed action would be conducted outside of the migratory bird breeding season (March 1 – August 31). When surface disturbance must be created during the migratory bird breeding season, a nest survey shall be conducted by a qualified biologist within potential breeding habitat prior to any surface disturbance proposed during the avian breeding season (March 1st through August 31st). Surveys must be conducted no more than 10 days and no less than 3 days prior to initiation of disturbance. Surveys must follow established BLM standards and protocols, and should be approved by the BLM biologist prior to being implemented. If active nests are located, the BLM biologist must be notified immediately and appropriate protection measures which may include avoidance or restriction of activities will be established. If no active nests are present in the area surveyed, implementation of the project should commence within 10 days of survey completion.

Two archaeological sites are immediately adjacent to the existing ROW. The portions of the sites (CrNV-22-308 and CrNV-22-3809) adjacent to the ROW will be marked with temporary fencing prior to beginning excavation or ground disturbance and a qualified archaeological monitor will observe the trenching in those areas to ensure that the equipment does not stray into the undisturbed areas of either site. If undisturbed deposits are observed by the monitor, work in that location will be halted, BLM will be notified, and work will not resume until the situation can be assessed by BLM. A letter report describing the monitoring will be submitted by the archaeological contractor to BLM after completion of monitoring.

The Proposed Action has been reviewed to determine if any exceptions described in 43 CFR 46.215 Categorical Exclusions: Extraordinary Circumstances apply. (See attached page)

2.4. Part III: Decision

I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and that no other environmental analysis is required.

<input checked="" type="checkbox"/>	Project authorization is subject to mitigation measures identified above. (This is a NEPA Decision. A separate program implementation decision is necessary.)
<input type="checkbox"/>	Based on ,it is my decision to allow for implementation of the project, as described, with the mitigation measures identified above and attached as stipulations, conditions of approval, terms of conditions, etc. This is a combined NEPA and program implementation decision.

Authorized Official: /s/ Mark E. Hall (Acting BRFO FM)

Date: 01/20/2016

Administrative Review or Appeal Opportunities

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the board), in writing to Mark E. Hall, Field Manager, Black Rock Field Office, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by § 4.412(b), and any arguments the appellant wishes to make. Form 1842-1 provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the grace period provided in §4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the appeal is filed during the grace period provided in §4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890. Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

In addition, within thirty (30) days of receipt of this decision you have the right to file a petition for a stay together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above.

Pursuant to 43 CFR 4.471(c), a petition for stay, if filed, must show sufficient justification based on the following standards:

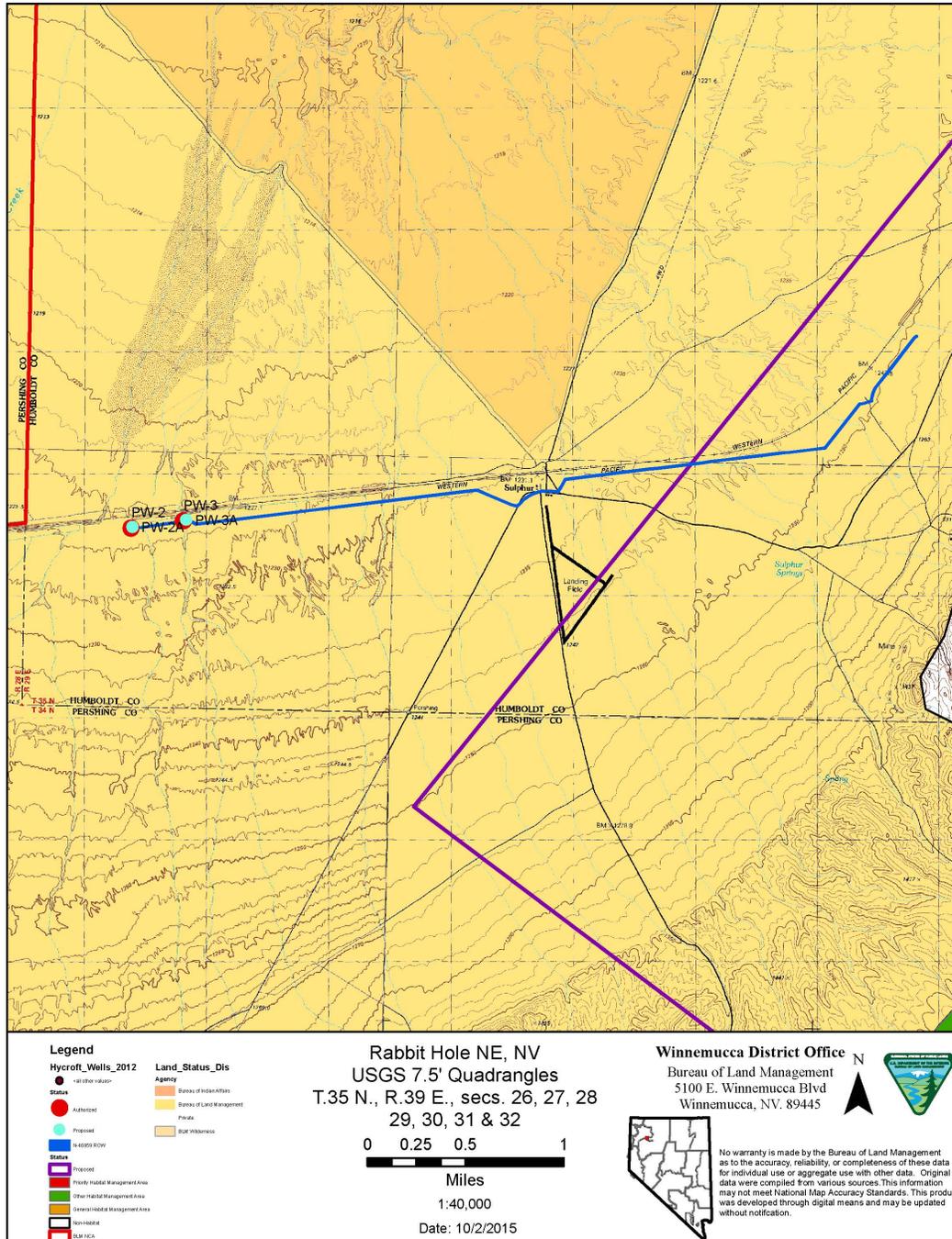
1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and,
4. Whether the public interest favors granting the stay.

43 CFR 4.471 (d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

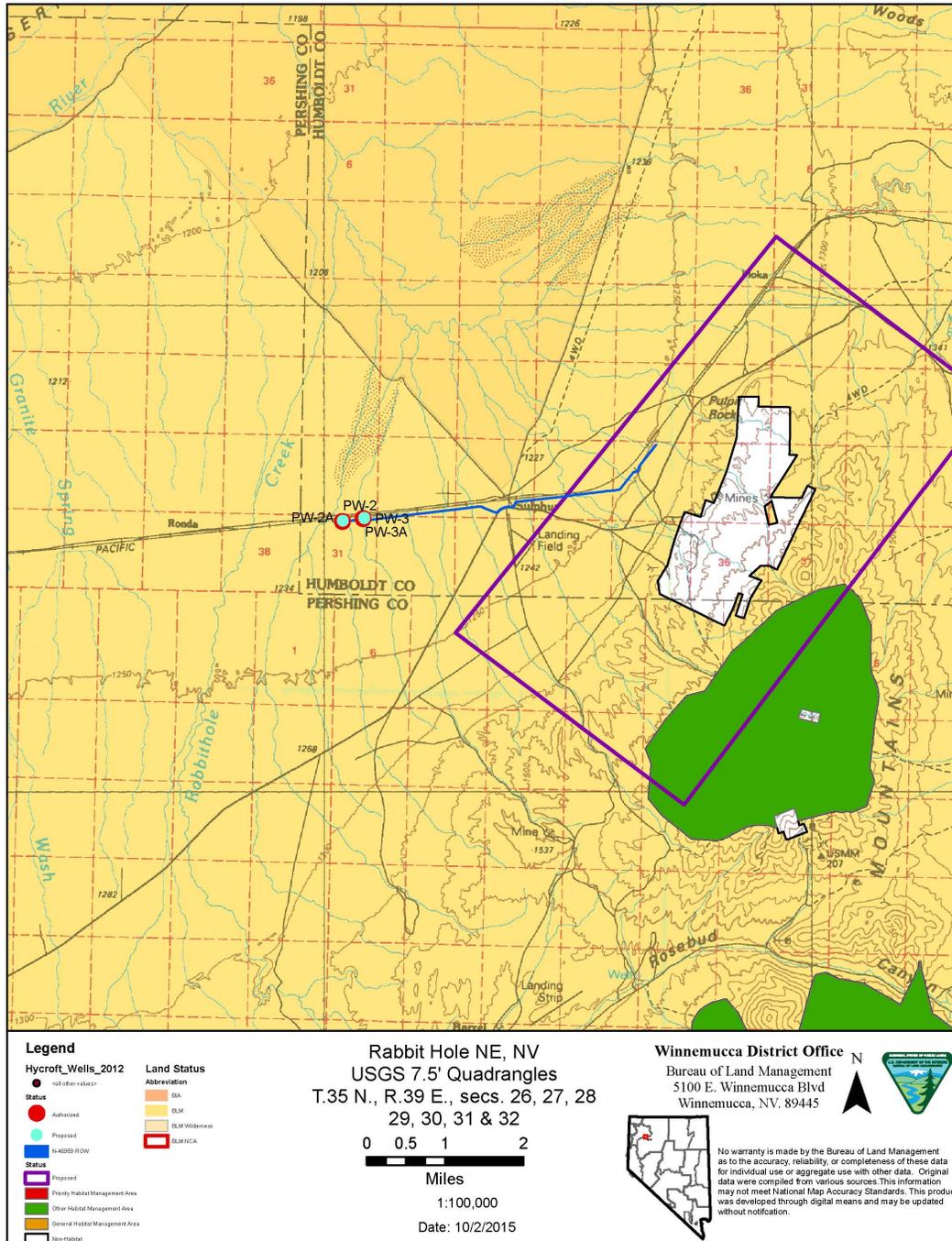
At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).

2.5. Maps

Hycroft Water Line ROW Amendment



Hycroft Water Line ROW Amendment



Chapter 3. Extraordinary Circumstances Review

CX Number:	DOI-BLM-W030-2016-0001-CX
Date:	10/2/2015
Lease/Case File/ Serial Number:	N-46959
Regulatory Authority (CFR or Law):	2800

Section 2.1 Impacts on Public Health and Safety

1. Does the proposed action have significant impacts on public health and safety?		
YES	NO	REVIEWER/TITLE
	X	Julie McKinnon, Realty Specialist

Section 2.2 Impacts on Natural Resources or Unique Geographic Characteristics

2. Does the proposed action have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas?		
YES	NO	REVIEWER/TITLE
	X	Julie McKinnon, Realty Specialist

Section 2.3 Level of Controversy

3. Does the proposed action have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?		
YES	NO	REVIEWER/TITLE
	X	Julie McKinnon, Realty Specialist

Section 2.4 Highly Uncertain or Unique or Unknown Environmental Risks

4. Does the proposed action have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		
YES	NO	REVIEWER/TITLE
	X	Julie McKinnon, Realty Specialist

Section 2.5 Precedent Setting

5. Does the proposed action establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?		
YES	NO	REVIEWER/TITLE
	X	Julie McKinnon, Realty Specialist

Section 2.6 Cumulatively Significant Effects

6. Does the proposed action have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?		
YES	NO	REVIEWER/TITLE
	X	Julie McKinnon, Realty Specialist

Section 2.7 Impacts on Cultural Properties

7. Does the proposed action have significant impacts on properties listed or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office?		
YES	NO	REVIEWER/TITLE
	X	Julie McKinnon, Realty Specialist

Section 2.8 Impacts on Federally Listed Species or Critical Habitat

8. Does the proposed action have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?		
YES	NO	REVIEWER/TITLE
	X	Julie McKinnon, Realty Specialist

Section 2.9 Compliance With Laws

9. Does the proposed action violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?		
YES	NO	REVIEWER/TITLE
	X	Julie McKinnon, Realty Specialist

Section 2.10 Environmental Justice

10. Does the proposed action have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		
YES	NO	REVIEWER/TITLE
	X	Julie McKinnon, Realty Specialist

Section 2.11 Indian Sacred Sites

11. Does the proposed action limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?		
YES	NO	REVIEWER/TITLE
	X	Julie McKinnon, Realty Specialist

Section 2.12 Noxious and Non-Native Invasive Species

12. Does the proposed action contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?		
YES	NO	REVIEWER/TITLE
	X	Julie McKinnon, Realty Specialist

Section 2.13 Preparer Information

 /s/ Julie McKinnon
PREPARER/TITLE

 01/20/2016
DATE

 Realty Specialist
TITLE

Chapter 4. Team Review

Team Review

Winnemucca District Office
Categorical Exclusion

Field Office(s): HRFO BRFO

Applicant: Hycroft Resources

Proposal: Amend Existing ROW to increase diameter of pipeline and to bury the pipeline

CX#: DOI-BLM-NV-W030-2016-0001-CX

Prepared By: Julie McKinnon Date: 1/20/2016

Prepared By: Date:

Name/Title	Resource/Agency Represented	Signature/Date	Comments (Attach if more room is needed)
Kathryn Ataman, Archaeologist	Cultural Resources	/s/Kathryn Ataman 1/20/2016	
Julie McKinnon/Mark E. Hall	Native American Consultation	/s/Julie McKinnon 1/20/2016	
Kathy Cadigan, Wildlife Biologist	T&E (plants and animal)	/s/Kathy Cadigan, 1/20/2016	none
Kathy Cadigan, Wildlife Biologist	General Wildlife	/s/Kathy Cadigan, 1/20/2016	none
Kathy Cadigan, Wildlife Biologist	Special Status Species	/s/Kathy Cadigan, 1/20/2016	none